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Supreme Court

Limits Phone Eavesdropping

WASHINGTON (AP) — The Supreme Court today decreed safeguards for private telephone conversations from government eavesdropping.

Specifically excluding national security cases, the court said in a 7-1 opinion that unless electronic surveillance is carried out by officials in a limited, judicially approved way it violates the individual's rights under the 4th Amendment.

Significantly, Justice Potter Stewart said in the decision, such is the case whether or not the officials physically trespass.

WITH THE RULING, the high court overturned the conviction of Charles Katz, a Los Angeles handicapper, whose conversations from two public telephone booths were recorded by federal agents.

In other actions, the court:

—Held that once a strike is over, workers who wish to return to their jobs are to be taken on ahead of new job applicants to fill vacancies.

—Gave new power to the Securities and Exchange Commission to combat fraud by mutual savings and loan associations in attracting depositors. The court ruled that a withdrawable capital share

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in a savings and loan association is a security under the 1934 Securities Exchange Act and this means solicitation of such accounts is subject to the law's broad antifraud provisions.

—TURNED DOWN an appeal by an Air Force captain, Dale E. Noyd, who tried to get the court to block the Air Force from punishing him for his anti-Vietnam war stand.

—Ruled that the Interstate Commerce Commission may permit a new trucking concern to operate without first giving truckers already serving the area a chance to provide improved service.

—Upheld a lower court order saying that New York State must reapportion its congressional districts by March 1.

—Overturned the Florida conviction of a prisoner sentenced to nine years and eight months for taking part in a prison riot. The court accused Florida prison authorities of "a shocking display of barbarism" in imprisoning the man, naked, in a small cell with two other men before getting his confession.

—TURNED DOWN an attempt by an Illinois firearms dealer to collect damages for having been kept from his home—where his arms were stocked — by two federal agents because President Lyndon B. Johnson was staying nearby.

After announcing its decisions, the court went into recess. The next public sessions is Jan. 15.

The eavesdropping decision had two particular points.

In the first place, it said the protection of a person's general right to privacy, which Stewart defined as "his right to be let alone by other people," is, like the protection of a citizen's property and his life, left largely to the law of individual states.

Secondly, it said the 4th Amendment's protection pertains to the person and not a given place or area.

Explaining, Stewart wrote:

"WHAT A PERSON knowingly exposes to the public, even in his own home or office, is not a subject of 4th Amendment protection.

"But what he seeks to preserve as private, even in an area accessible to the public,

may be constitutionally protected."

The federal agents had taped a recorder and two microphones to the top of two public phone booths Katz used on Sunset Blvd. in February 1955 to phone betting information to Boston.

Later, the agents arrested him, obtained a search warrant and picked up markers and other gambling paraphernalia from his apartment. Katz was convicted of illegal interstate transmission of bets and wages and fined \$300.